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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,511	01/12/2000	Quinton Yves Zondervan	52817.000088	5719

29315            7590            07/16/2002  
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
ONE FOUNTAIN SQUARE  
11911 FREEDOM DRIVE, SUITE 400  
RESTON, VA 20190

EXAMINER
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FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/481,511	ZONDERVAN, QUINTON YVES <i>YJ</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Keith T. Ferguson	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 January 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 . | 6) <input type="checkbox"/> Other:   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Woltz et al..

The claimed invention reads on Woltz et al. as follows:

Regarding claims 1,5,7,15 and 19, Woltz et al. discloses an integrated message system (fig.1) comprising: at least two terminal devices (fig. 1 numbers 34 and 28 and its description and col. 3 lines 20-25) comprising a first terminal device (fig. 1 number 34) and a second terminal device (fig. 1 number 28) is a wireless terminal device (pager) )(col. 3 lines 20-25); and at least one scripting agent (means) (host computer) (fig. 1 number 34 and col. 3 lines 32-42), wherein the scripting agent causes

an electronic message (e-mail) that is addressed to the first terminal device to be transmitted to the wireless terminal device when a predetermined condition (bypass code is present) is satisfied (col. 6 lines 49-66).

Regarding claims 3,10 and 17, Woltz et al. discloses a level of activity at the first terminal device (col. 4 lines 39-47).

Regarding claims 4,6,11,13,18 and 20, Woltz et al. discloses transmitting the electronic message (all or summary messages) to the wireless terminal device after the passage of a predetermined amount of time during which the electronic message has not been opened at the first terminal device (col. 5 lines 19-24).

Regarding claims 8 and 12, Woltz et al. discloses a method for managing communications between at least two terminal devices (fig. 1 numbers 34 and 28 and its description and col. 3 lines 20-25) comprising a first terminal device (fig. 1 number 34) and a second terminal device (fig. 1 number 28), wherein at least the second terminal is a wireless terminal device (pager) (col. 3 lines 20-25), the communication management method

Art Unit: 2683

comprising the steps of: receiving an electronic message to the first terminal device (col. 3 lines 62-67 and col. 4 lines 1-5); and transmitting the electronic message to the wireless terminal device when a predetermined condition (bypass code is present) is satisfied (col. 6 lines 49-66).

Regarding claims 9 and 16, Woltz et al. discloses the predetermined condition varies depending upon a user profile (col. 6 lines 53-66).

Regarding claim 14, Woltz et al. discloses a computer usable medium having computer readable program code embodied therein for managing communications between at least two terminal devices (fig. 1 numbers 34 and 28 and its description and col. 3 lines 20-42), comprising a first terminal device (fig. 1 number 34) and a second terminal device (fig. 1 number 28), wherein at least the second terminal is a wireless terminal device (pager) (col. 3 lines 20-25), the computer readable code comprising: computer readable code for receiving an electronic message to the first terminal device (col. 3 lines 62-67 and col. 4 lines 1-5); and computer readable code for transmitting the electronic message to the wireless terminal device when a

predetermined condition (bypass code is present) is satisfied (col. 6 lines 49-66).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moon et al. (U.S. Patent 6,138,146) discloses an electronic mail forwarding system. Lazaridis et al. (U.S. Patent 6,401,113) discloses pushing information from a host system to a mobile data communication device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Application/Control Number: 09/481,511

Page 6

Art Unit: 2683

Keith Ferguson

Art Unit 2683

July 9, 2002

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600